IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14895 of 1994

Between:

Kuchampudi Ramachandra Raju, S/o. Venkataraju,
R/o. Mandalapurru (V), Nidamarru (M),
W.G.Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Nidamarru (M),
W.G.Dist.
2 The Dist. Collector,
W.G.Dist. Eluru.
3 M.Ramulu,
4 V.Satyam.
5 P.Veeracharyulu,
6 P.Raghavulu,
RR 3 to 6 are impleaded as per court order dt.7.12.94 in . . . . . .
W.P.M.P.No.23336/94.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the urgent notice bearing Ro.No.168/94/A dt.10.8.1994 issued by the 1st respondent herein relating to stoppage of construction work of Ice & Cold Storage Plant by the petitioner at the site situated in Mandalaparru(v),Nidamarru Mandalam,W.G.Dist is illegal, arbitrary and unenforceable.

For the Petitioner: SMT.K.SESHARAJYAM, Advocate

For the Respondent Nos.1 & 2: GP FOR REVENUE

For the Respondent No.3: Mr.G.Vivekanand, Advocate.

The Court Made the Following :

THE HONOURABLE SIR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.14895 OF 1994

ORDER:

Petitioner herein, who claims to be the owner of the site in question, situated in Survey No.134/1 admeasuring Ac.1.46 cents situated at Mandalaparru village, Nidamarru Mandal of West Godavari District, filed this writ petition, *inter alia,* seeking to asail the notice dated 10.8.1994 issued by first respondent herein wherein the petitioner was directed to stop the construction.

According to the petitioner, he purchased the site on 30.4.1995 and obtained permission from the District Medical and Health Officer, Eluru on 6.6.1994 and also from the concerned District Manager, Eluru on 9.6.1994. The Inspector of Factories, Eluru also granted permission on 17.6.1994 apart from the permission obtained from the APSEB on 27.6.1994. Further, the Deputy Director of Town Planning, Rajamundry also granted necessary certificate on 11.7.1994. Local Gram Panchayat also granted permission 16.7.1994 and therefore, it is submitted that the petitioner's construction is well within the permissible limits of law and in spite of the same, the first respondent issued the impugned notice without any justification. This court had granted interim stay and the same is still subsisting.

Having heard the counsel on either side and also on perusal of the record, it is seen that the petitioner is only seeking to assail the notice alleged to have been issued by first respondent, whereby he was called upon to stop the construction with a view to ascertain aspects as pointed out therein.

In the circumstances, I do not find any justification to interdict with the same at this

stage. It shall however be open to the petitioner to file a detailed representation and on receipt of which the first respondent shall consider the same and pass the orders, in accordance of law.

The writ petition is accordingly disposed of.

18.6.2004.

mdaa/stv.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Nidamarru (M), W.G.Dist.
2. The District Collector, W.G. District., at Eluru.
3. 2 C.C. for G.P. for Revenue, High Court of A.P., Hyderabad (OUT)
4. 2 C.D.copies.